



JCO6 Rec'd PCT/PTO 25 AUG 2005 Pet

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Alexander GOLITSCHKE EDLER VON ELBWART, et al.

Application No.: 10/538,934

Filed: June 13, 2005

For: METHOD AND APPARATUS FOR TRANSMITTING DATA IN A  
DIVERSITY COMMUNICATION SYSTEM EMPLOYING  
CONSTELLATION REARRANGEMENT WITH QPSK MODULATION

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, DC 20231

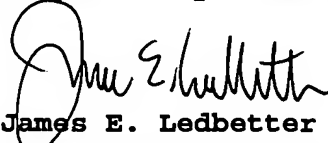
Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the references listed on the attached Form PTO 1449. The Benelli document is discussed in the present application on page 1, line 10, et seq. The Lin, et al. document is discussed in the present application on page 5, line 5, et seq. The year of publication of the Lin, et al. document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106.

Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,



James E. Ledbetter  
Registration No. 28,732

Date: August 25, 2005

JEL/ejw

ATTORNEY DOCKET NO. L7725.05107

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, NW, Suite 850  
P.O. Box 34387  
Washington, DC 20043-4387  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200

FORM PTO-1449 U.S. Department of Commerce  
(Rev. 4/92) Patent and Trademark

ATTY. DOCKET NO.

SERIAL NO.

**L7725.05107**

**10/538,934**

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT

A. G.E.V. ELBWART, et al.

FILING DATE

**June 13, 2005**

GROUP

## Unassigned

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

**G. Benelli, "New Mapping Rules for Combination of M-Ary Modulation and Error-Detecting Codes in ARQ Systems," IEE Proceedings, Vol. 137, Pt. 1, No. 4, pages 197-204, Aug. 1990.**

**S. Lin, et al., "Error Control Coding: Fundamentals and Applications," Prentice-Hall, pages 29-33, 1983.**

**EXAMINER**

**DATE CONSIDERED**

**EXAMINER:** Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.